

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: E. I. DU PONT DE NEMOURS AND
COMPANY C-8 PERSONAL INJURY
LITIGATION

CASE NO. 2:13-MD-2433

JUDGE EDMUND A. SARGUS, JR.

This document relates to: ALL ACTIONS

MAGISTRATE JUDGE ELIZABETH P.
DEAVERS

**DEFENDANT’S COUNTER-MOTION FOR PARTIAL SUMMARY JUDGMENT
REGARDING APPLICATION OF THE *LEACH* SETTLEMENT AGREEMENT**

Defendant E. I. du Pont de Nemours and Company (“DuPont”) submits this Counter-Motion for Partial Summary Judgment in response to Plaintiffs’ “motion for partial summary judgment under Rule 56 or for determination of issues under Rule 16(c)” [ECF No. 820]. Based on the reasons and analysis set forth in DuPont’s Opposition to Plaintiffs’ Motion, filed concurrently with this Counter-Motion, and the plain and unambiguous terms of the *Leach* Settlement Agreement, DuPont respectfully requests that this Court enter an Order finding as a matter of law that there are no material issues of fact as to the application of the *Leach* Settlement Agreement to the individual personal injury and wrongful death actions consolidated in this MDL, and that DuPont’s statements of the issues regarding: (1) the definition of “Class Member;” (2) the scope of “General Causation;” and (3) proof of dose required to establish specific causation are accurate.

In lieu of a separate Memorandum in Support, DuPont incorporates by reference the arguments and authorities set out in its Opposition to Plaintiffs’ Motion in their entirety.

Respectfully submitted:

s/ Damond R. Mace

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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was electronically filed with this Court's CM/ECF system on this 29th day of September 2014 and was thus served automatically upon all counsel of record for this matter.

s/ Damond R. Mace

Damond R. Mace (0017102)